

JOHN DOE,)	
)	
Plaintiff)	
)	
vs.)	Case No. 4:07CV00101 RWS
)	
TOM NEER, et al.,)	
)	
Defendants.)	

Doe has moved for leave to amend his complaint to clarify the factual allegations that form the basis for his legal claims for relief under the federal and Missouri constitutions. Under Rule 15(a) of the Federal Rules of Civil Procedure, a court should freely grant parties leave to amend their pleadings when justice requires. Fed. R. Civ. P. 15(a). “[D]enial of leave to amend a pleading is appropriate only in those limited circumstances in which undue delay, bad faith on the part of the moving party, futility of the amendment, or unfair prejudice to the nonmoving party can be demonstrated.” *Roberson v. Hayti Police Dept.*, 241 F.3d 992, 995 (8th Cir. 2001).

Because this motion is not the product of bad faith or undue delay and will not result in unfair prejudice, I will grant Doe's motion.

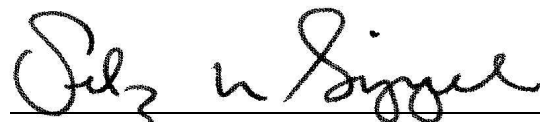
Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Second Motion for Leave to File his Second Amended Complaint [#90] is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Keathley's Motion to Dismiss [#36] is **DENIED as moot**.

IT IS FURTHER ORDERED that Defendants Tom Neer, Debbie Sloan, and St. Charles, Missouri's Motion to Dismiss [#65] is **DENIED as moot**.

IT IS FURTHER ORDERED that Defendants file their responsive pleadings within 20 days. Defendants may incorporate by reference their earlier memoranda and/or supplement their arguments with new memoranda.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 9th day of December, 2008.